

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sebastian Saavedra	Team: Squad #1	CCRB Case #: 202000822	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 01/31/2020 2:00 AM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 25	18 Mo. SOL 7/31/2021	EO SOL 3/17/2022	
Date/Time CV Reported Fri, 01/31/2020 10:10 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/31/2020 10:10 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Hunt	25560	967115	025 PCT
2. POM Norman Brissett	17999	960280	025 PCT
3. POM Fausto Gomez	13157	941930	025 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Maxwell Bindman	02335	959492	025 PCT
2. POM Lorenzo Jones	03231	936827	025 PCT
3. POF Kristen Lopez	03108	954787	025 PCT
4. POM Maximilian Warner	25345	951421	025 PCT
5. SGT Norman Cox	02339	945622	025 PCT
6. POM Karanveer Balagad	15738	957352	025 PCT
7. POM Clement Augustin	13223	960183	PSA 5
8. POM Steven Libardi	20389	964122	PSA 5
9. POM Cory Casimiro	01816	953734	PSA 5
10. POF Amela Dzhic	31626	965064	PSA 5
11. POM Daniel Flaherty	25263	967067	025 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Norman Brissett	Force: Police Officer Norman Brissett used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Joseph Hunt	Force: Police Officer Joseph Hunt used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Norman Brissett	Force: Police Officer Norman Brissett used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Joseph Hunt	Force: Police Officer Joseph Hunt used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
E.POM Fausto Gomez	Abuse: Police Officer Fausto Gomez refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On January 31, 2020, § 87(2)(b) and § 87(2)(b) filed this complaint on behalf of their brother, § 87(2)(b) over the phone with the CCRB.

On January 31, 2020, § 87(2)(b) suffered an epileptic episode during which he lost consciousness and walked partially clothed from his brother's apartment into the lobby of his building at § 87(2)(b) in Manhattan (otherwise known as § 87(2)(b)). Several officers from the 25<sup>th</sup> Precinct and Police Service Area 5 (PSA 5), including Police Officers Norman Brissett and Joseph Hunt, from the 25<sup>th</sup> Precinct, responded. PO Brissett and PO Hunt allegedly used force against § 87(2)(b) which resulted in a laceration to his brow (**Allegations A and B - Force:** § 87(2)(g) and several bruises to § 87(2)(b)'s arms and legs (**Allegations C and D - Force:** § 87(2)(g))). Police Officer Fausto Gomez, from the 25<sup>th</sup> Precinct, provided an inaccurate shield number to a building security guard (**Allegation E - Abuse of Authority:** § 87(2)(g)).

BWC footage was obtained for this case and captures part of the incident (Board Reviews 1-14). Surveillance video was obtained that captures part of this incident (Board Reviews 20, 28-29).

### Findings and Recommendations

**Allegation (A) Force: Police Officer Norman Brissett used physical force against** § 87(2)(b)

**Allegation (B) Force: Police Officer Joseph Hunt used physical force against** § 87(2)(b)

**Allegation (C) Force: Police Officer Norman Brissett used physical force against** § 87(2)(b)

**Allegation (D) Force: Police Officer Joseph Hunt used physical force against** § 87(2)(b)

§ 87(2)(b) testified that he suffers from epilepsy, and frequently has episodes during which he loses memory for five to 10 minutes. If he is disturbed while in this state, § 87(2)(b) will become irritable, though if he is left alone, he is usually able to calm down within minutes. On January 31, 2020, § 87(2)(b) was inside his brother, § 87(2)(b)'s apartment, recovering from colon surgery earlier that day. § 87(2)(b) recalled running out of the apartment naked but then lost consciousness and regained consciousness inside an ambulance (Board Review 15). § 87(2)(b) testified that on January 31, 2020, at approximately 2:15 am, he was awakened by § 87(2)(b) who was having a seizure next to him in bed. § 87(2)(b) told him that he could not breathe and ran, naked, out of the room and out of the apartment. § 87(2)(b) said that it is typical when § 87(2)(b) has his episodes, that he will seize for approximately two minutes and then get hot and take off his pants. § 87(2)(b) chased after him and found him grabbing the arm of the security guard in the lobby, and saying in Spanish, "Help me." § 87(2)(b) asked the security guard to call an ambulance. Immediately after, several police officers arrived. § 87(2)(b) then ran back to his apartment to get medication for § 87(2)(b). When he returned to the lobby, he observed § 87(2)(b) handcuffed, with a large cut on his forehead. Officers then placed § 87(2)(b) on a stretcher and brought him to the hospital. § 87(2)(b) did not observe any struggle between the officers and § 87(2)(b) (Board Review 16). § 87(2)(b) provided 15 photos of redness on § 87(2)(b)'s arms, legs, and torso, as well as a photo of a vertical line of blood just to the left (§ 87(2)(b)'s left) of his forehead mid-line and originating about an inch above his eyebrow (Board Review 30).

A photograph of § 87(2)(b) taken at the time of this interview on February 4, 2020 (four days after the incident) showed no visible laceration to his face (Board Review 17).

Pages 18-19 of medical records provided by § 87(2)(b) from § 87(2)(b) from § 87(2)(b), show that he was advised by a doctor to put bacitracin on a cut on his forehead until it healed. § 87(2)(b) was also advised to follow up with his neurologist and

primary care doctor for high blood glucose, decreased kidney function, and blood in his urine. He tested positive for acetaminophen and cannabis, but no other drugs. There was no documentation of any redness or bruising (Board Review 26).

PO Hunt testified that, at approximately 2:00 am, he and his partner, PO Brissett, received a radio run of a naked EDP, with no additional information. PO Hunt and PO Brissett were the first to arrive on scene, PO Hunt observed § 87(2)(b) naked in the lobby of the building, with a small cut on one of his eyebrows (he did not recall which). § 87(2)(b) was yelling in Spanish at the security guard and throwing his hands up in his direction. PO Hunt did not recall the security guard saying anything to him at this time. § 87(2)(b) was also present, though PO Hunt did not recall what he was doing at the time, and did not recall speaking to him during this incident. PO Hunt did not speak Spanish and could not understand what § 87(2)(b) was saying. PO Hunt and PO Brissett told § 87(2)(b) to calm down over the course of a few minutes, but § 87(2)(b) did not acknowledge this whatsoever and gave no response. § 87(2)(b) swung his arms at both officers and made contact with PO Hunt's chest, knocking his BWC out of place. PO Hunt did not recall whether § 87(2)(b) made contact with PO Brissett. PO Hunt and PO Brissett each grabbed one of § 87(2)(b)'s arms, and he tensed his arms, and kicked and spit at the officers. § 87(2)(b) lunged his head and "chomped" in an attempt to bite an officer whose hand was near § 87(2)(b)'s head, though PO Hunt did not recall which officer. PO Brissett then handcuffed § 87(2)(b). PO Hunt and PO Brissett called for backup, and shortly thereafter, approximately 10 officers arrived. They then placed § 87(2)(b) against a wall, and both used their feet to hold § 87(2)(b)'s feet against the wall, to prevent him from "rear kicking." Approximately 20 minutes later, an ambulance arrived, and officers placed him on a stretcher. He did not resist being placed on the stretcher. Officers then placed § 87(2)(b) inside the ambulance, and PO Hunt and PO Brissett rode inside it with him to § 87(2)(b). PO Hunt prepared an AIDED report regarding this incident (Board Review 18).

PO Hunt's BWC (Board Review 02) shows that prior to any physical contact between the officers and § 87(2)(b) at 01:14 of the video (see Board Review 31 for screenshot of BWC at 01:14), and though the video is a bit pixilated, § 87(2)(b) appears to have a mark in the same spot as the above mentioned injury to his forehead (Board Review 30). PO Hunt's BWC was partially blocked when he and PO Brissett placed § 87(2)(b) in handcuffs starting at approximately 01:25 and falls off at 02:11. A security guard picks up his BWC at 02:23 and captures additional officers responding and entering the lobby at 02:30.

§ 87(2)(g) PO Brissett stated that he observed a small laceration on § 87(2)(b)'s brow when § 87(2)(b) was placed on the gurney, as opposed to when they arrived on scene, but did not know how he obtained it. When shown photos of the injuries on § 87(2)(b)'s knees and wrists, PO Brissett stated that he did not recall seeing these injuries on § 87(2)(b) during this incident (Board Review 19).

Security footage obtained from the lobby of § 87(2)(b) (Camera 7 – Board Review 28) shows § 87(2)(b) enter the lobby of § 87(2)(b) at 01:45 of the video player timestamp wearing only a long-sleeved gray t-shirt. He exits the building, re-enters shortly thereafter and initially appears to interact calmly with building security. At 02:37, § 87(2)(b) reaches toward and grabs the security guard and pulls him as § 87(2)(b) runs into the lobby. § 87(2)(b) puts his arm around § 87(2)(b)'s back while § 87(2)(b) and the security guard move together toward the security office in the upper left corner of the screen. At 02:46, § 87(2)(b) suddenly jerks away to his left, colliding with the window and/or door jamb of the security office. He strikes his left shoulder/arm, but it is unclear whether he hits his head. He then enters the security office. PO Brissett enters from the vestibule into the lobby at the same time that § 87(2)(b) jerks away and strikes the wall area and PO Hunt follows a few steps behind.

Surveillance video captured from inside the security office (Camera 3 - Board Review 29) starting at 00:40 shows PO Brissett and PO Hunt enter the vestibule and one of the security guards buzz them into the building. Just after PO Brissett enters the lobby, § 87(2)(b) enters the security office with his right hand pressed against the front of his head. His hand remains on his forehead

until he walks out of the office six seconds later.

Returning to the lobby camera (Board Review 28), PO Brissett and PO Hunt approach § 87(2)(b). They stand in a circle with § 87(2)(b) and the security guard. § 87(2)(b) starts to walk away and PO Hunt and PO Brissett follow along with him and PO Brissett holds onto § 87(2)(b)'s left arm. At 03:13, § 87(2)(b) pulls his left wrist from PO Brissett's grasp and lunges away from the officers. PO Hunt and PO Brissett quickly follow and the three go out of camera view. They partially re-enter the camera frame at 03:20 and PO Brissett is holding § 87(2)(b)'s right arm and PO Hunt his left, behind his back. PO Brissett has his handcuffs out and is trying to place him in handcuffs. At 03:29, § 87(2)(b) turns his face back toward PO Brissett and leans his face into PO Brissett's right shoulder, appearing to try to bite him. § 87(2)(b) has his back to § 87(2)(b) and the officers at that time. At 03:30, § 87(2)(b) looks back at § 87(2)(b) and the officers then turns away from them at 03:31 and walks a few steps away, turns around and approaches the officers and § 87(2)(b) and then at 03:41, jogs out of the lobby and down a hallway. § 87(2)(b) is seen jogging back to the lobby and re-enters the lobby at 04:18. Two additional uniformed officers arrive (the first is PO Bindman, followed by PO Jones) and enter the lobby at the same time as § 87(2)(b)'s return. § 87(2)(b) remains in the lobby with § 87(2)(b) and the officers until § 87(2)(b) is removed on a stretcher. A second lobby camera from the opposite side of the lobby (Board Review 32) shows roughly the same interaction, with the § 87(2)(b) PO Hunt and PO Brissett going out of view during most of the time that § 87(2)(b) is not in the lobby.

BWC Footage from PO Brissett (Board Review 01) opens with PO Brissett and PO Hunt arriving at § 87(2)(b) and entering the building lobby. § 87(2)(b) who is naked from the waist down, is standing alongside § 87(2)(b) and a security guard, yelling unintelligibly. No injuries are visible on his face. § 87(2)(b) tells the officers that § 87(2)(b) is having a seizure. At approximately 01:20, § 87(2)(b) approaches the officers while holding the top of his head with his right hand., and PO Brissett tells him to relax several times. § 87(2)(b) can be heard mumbling incoherently, and spreads his arms and palms to each side, then returns them to his sides. PO Brissett then briefly grabs § 87(2)(b) first by his left arm, then his right. § 87(2)(b) jerks his body away, and it appears that a brief struggle ensues during which PO Brissett's camera is partially, temporarily covered. Throughout this struggle, § 87(2)(b) can be heard saying, "help me please" in Spanish several times, and PO Brissett continually tells § 87(2)(b) to "relax." A ratcheting sound can be heard which sounds like one of the officers preparing handcuffs. PO Brissett can be seen placing § 87(2)(b)'s arms behind his back. Shortly thereafter, additional officers can be seen grabbing hold of § 87(2)(b) while he flails his arms and body. PO Brissett is briefly seen holding handcuffs. The camera is then briefly obscured, and at approximately the 03:31 timestamp, § 87(2)(b) is seen with handcuffs already on both wrists, with his hands behind his back. For approximately 20 minutes afterward, PO Brissett's BWC is entirely covered by what appears to be his jacket. During nearly this entire span of time, § 87(2)(b) can be heard repeatedly yelling "Help me, they are going to kill me," in Spanish.

BWC footage from PO Maxwell Bindman opens with PO Bindman and PO Lorenzo Jones, both assigned to the 25<sup>th</sup> Precinct, entering § 87(2)(b). PO Brissett and PO Hunt can be seen standing with and struggling with § 87(2)(b). PO Hunt is holding § 87(2)(b)'s left arm and PO Brissett his right while § 87(2)(b) repeatedly attempts to pull his body away. PO Bindman approaches them, and PO Bindman's camera is temporarily obscured by his jacket as he appears to join the struggle. At approximately the 02:48 timestamp, his BWC is uncovered and PO Jones and PO Brissett can be seen holding § 87(2)(b)'s right arm, and PO Hunt his left, while they hold him against a glass windowed wall. The same three officers then walk § 87(2)(b) over to a solid wall and away from the glass and hold him there for approximately 5 minutes. § 87(2)(b) can be heard yelling "Help me, they are going to kill me," in Spanish that entire time (Board Review 03).

PO Jones and Sgt. Norman Cox's footage is also partially obscured during the roughly 20 minutes that officers appear to hold § 87(2)(b) against the wall prior to placing him on the ambulance (Board Reviews 04 and 05). All other BWC footage from this incident begins after § 87(2)(b).

§ 87(2)(b) has been placed against the wall by officers (Board Reviews 02, 06-14).

At approximately the 23:30 timestamp, the obstruction to PO Brissett's BWC is removed, and several officers and two EMTs can be seen strapping § 87(2)(b) to a gurney. An officer offscreen says, "we have to restrain him." An offscreen male says, "he spits?" to which PO Brissett replies, "yeah." An EMT places a protective mask on § 87(2)(b)'s face. At 25:15, the officers and EMTs wheel § 87(2)(b) out of § 87(2)(b). PO Brissett walks alongside § 87(2)(b) and asks him whether § 87(2)(b) smoked anything earlier that day or consumed any drugs. § 87(2)(b) replies that A. § 87(2)(b) smoked marijuana, but that was it. At approximately the 30:00 timestamp, PO Brissett's BWC is uncovered, and § 87(2)(b) can be seen sitting upright on the gurney inside the ambulance. A small dark spot can be seen on the middle of his brow, and a trickle of what appears to be blood can be seen running from the inside of his left eyebrow and down the left side of his nose. The footage concludes shortly they arrive at the hospital (Board Review 01).

Officers may use force to prevent physical injury when an emotionally disturbed individual is dangerous to themselves or others, NYPD Patrol Guide 221-13 (Board Review 22).

Officers may use only the reasonable force necessary to gain control of a subject, NYPD Patrol Guide 221-01 (Board Review 23).

§ 87(2)(g)  
H. § 87(2)(g)

**Allegation (E) Abuse of Authority: Police Officer Fausto Gomez refused to provide his shield number to § 87(2)(b)**

BWC footage from PO Gomez shows that at approximately the 01:45 timestamp, as the officers file out of the building at the conclusion of the interaction, the security guard at § 87(2)(b) who is holding a piece of paper and a pen, makes a general request, "one officer number?" to which PO Gomez replies "3100" (Board Review 14).

PO Gomez testified that his shield number was 13157, and that, to his understanding, he would be required to provide his shield number, by pointing out the information on his shield, to a civilian if they requested it. PO Gomez stated that he did not provide his accurate shield number to the security guard at any point. When asked why he did not provide his shield number to the security guard, PO Gomez stated that he believed another officer would respond to the security guard's request, and that he (PO Gomez) did not need to provide his shield number at the time. When asked why he provided an inaccurate shield number instead of none, if he believed he was not required to provide his shield number, PO Gomez stated that he had no reason for doing so (Board Review 23).

Officers are required to clearly state or otherwise provide their shield number to anyone who requests it NYPD Patrol Guide Section 203-09 (Board Review 27).

§ 87(2)(g)

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- Police Officer Norman Brissett has been a member-of-service for five years and has been a subject in four other CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Joseph Hunt has been a member-of-service for two years and has been a subject in two other CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Fausto Gomez has been a member-of-service for 14 years and has been a subject in seven other CCRB complaints and 13 allegations, none of which were substantiated. § 87(2)(g)

**Mediation, Civil and Criminal Histories**

- This complaint was unsuitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York seeking \$1,000,000.00 as redress (Board Review 24).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 1

Investigator: Inv. Saavedra 5/14/2021  
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda 6.2.21  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date